

ESTTA Tracking number: **ESTTA14781**

Filing date: **09/08/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Joseph J Sitt
Granted to Date of previous extension	09/08/2004
Address	Joseph J Sitt 139 5th Avenue, 4th Floor New York, NY 10010 UNITED STATES

Attorney information	James B. Swire Dorsey & Whitney LLP 250 Park Avenue New York, NY 10177 UNITED STATES ny.trademark@dorsey.com Phone:212-415-9200
-----------------------------	--

Applicant Information

Application No	78198926	Publication date	05/11/2004
Opposition Filing Date	09/08/2004	Opposition Period Ends	09/08/2004
Applicant	Meredith Corporation		

Goods/Services Affected by Opposition

Class 008. First Use: First Use In Commerce:
All goods and services in the class are opposed, namely: Nail clippers, baby scissors

Opposition No. 91158912 and Cancellation No. 92043389

Attachments	Notice of opposition - AMERICAN BABY - 2.pdf (3 pages)
--------------------	--

Signature	/James B. Swire/
Name	James B. Swire
Date	09/08/2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JOSEPH J. SITT,

Opposer,

-against-

MEREDITH CORPORATION,

Applicant.

Opposition No.

NOTICE OF OPPOSITION

Opposer, Joseph J. Sitt, an individual with an address of 139 Fifth Avenue, 4th Floor, New York, New York 10010, believes that he will be damaged by the registration of the following mark sought to be registered by Applicant, Meredith Corporation (“Applicant’s Mark”):

Mark	App. No.	Filed	Cl.	Goods/Services	Published
AMERICAN BABY	78/198,926	12/31/02	8	Nail clippers, baby scissors	05/11/04

As grounds for the opposition, it is alleged that:

1. Opposer is the owner of U.S. Reg. No. 1,772,408, dated May 18, 1993, for the mark AMERICAN BABY (“Opposer’s Registered Mark”), covering “infants’ and children’s wearing apparel; namely, skirts, shirts, pants, coveralls, overalls, and dresses” in International Class 25.
2. Opposer’s Registered Mark is valid and subsisting and has become incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065. Opposer’s Registered Mark constitutes prima facie evidence of Opposer’s exclusive right to use such mark in commerce on the goods specified in such registration.

3. Opposer, through licensees, has actively and continuously used Opposer's Registered Mark in the course of his business and in connection with the goods in International Class 25 identified above since no later than October 1, 1992. Such use predates the adoption and use of Applicant's Mark.

4. As a consequence of the aforesaid widespread exposure of its trademark, consumers and potential consumers of Opposer's goods have come to recognize and do recognize Opposer's Registered Mark as being used by Opposer, and to associate and identify the mark with Opposer, and Opposer derives substantial goodwill and value from such association.

5. Applicant's Mark, when considered in its entirety, is identical or substantially similar in appearance, sound and commercial impression to Opposer's Registered Mark. Furthermore, the goods covered by Applicant's Mark are closely related to the goods covered by Opposer's Registered Mark.

6. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's Mark sought to be registered in violation of Sections 2(d) and 13(a) of the Lanham Act, 15 U.S.C. §§ 1052, 1063, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

WHEREFORE, Opposer believes that he will be damaged by registration of Applicant's Mark and prays that this opposition be sustained, and that the application for Applicant's Mark be denied.

Please recognize as attorneys for Applicant in this proceeding James B. Swire, Sandra Edelman, Bruce R. Ewing, Marc S. Reiner and Steven S. Fang, members of the Bar of the State

of New York, whose address is Dorsey & Whitney LLP, 250 Park Avenue, New York, New York 10177, telephone number (212) 415-9200.

DORSEY & WHITNEY LLP

Dated: September 8, 2004

By: /James B. Swire/
James B. Swire
Bruce R. Ewing
250 Park Avenue
New York, New York 10177
(212) 415-9200

Attorneys for Petitioner
Joseph J. Sitt